



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,956	02/05/2001	Jared Schutz Polis	Proflowers -P1-01	2313
7590	11/28/2007			
Peter K. Trzyna P.O. Box 7131 Chicago, IL 60680			EXAMINER PHAM, THIERRY L	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/776,956

Applicant(s)

POLIS ET AL.

Examiner

Thierry L. Pham

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/31/07</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2625

DETAILED ACTION

- This action is responsive to the following communication: an Amendment filed on 8/30/07.
- Claims 1-28 are currently pending.
- IDS filed on 8/31/07 has been considered and herein attached (PTO 1449) with office action.

Claim Objections

Claim 21 is objected to because of the following informalities: Dependent claims must be depending from preceding claims (e.g. claim 21 cannot be dependent of claim 22-23, 25-26, and 28). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Laurush et al (US 5413383).

Regarding claim 18, Laurush discloses a process including:

- forming multiple parts (multiple parts on a single sheet, fig. 1) from a sheet, the parts including at least two of a packing list (packing list, fig. 1), a consumer ordering system-customizable component, and a shipping sheet (shipping list, fig. 1);
- separating (perforating lines for separating, fig. 1, col. 2, lines 10-11) the parts prior to shipping (fig. 1, col. 1, lines 5-8) a package with the shipping sheet part, but not all of the parts (e.g. warehouse packing is not required in the package to be shipped, col. 4, lines 50-60, note: shipping label is taught by Laurush is implemented via using coated adhesive and separated into multiple plies, therefore, any unnecessary plies can be eliminated from shipping to the customers, for example, company's inventory tracking and/or invoice),

Art Unit: 2625

located on an outside portion of the package during the shipping (shipping label is to attached with package for shipping, fig. 1, col. 1, lines 5-8).

Regarding claim 19, Laurush further discloses the process of claim 18, wherein the shipping does not include shipping the packaging list part with the package (e.g. warehouse packing is not require in the package to be shipped, col. 4, lines 50-60, note: shipping label is taught by Laurush is implemented via using coated adhesive and separated into multiple plies, therefore, any unnecessary plies can be eliminated from shipping to the customers, for example, company's inventory tracking and/or invoice and etc).

Regarding claim 20, Laurush further discloses the process of claim 19, wherein the shipping includes shipping the customizable component part within the package (e.g. warehouse packing is not require in the package to be shipped, col. 4, lines 50-60, note: shipping label is taught by Laurush is implemented via using coated adhesive and separated into multiple plies, therefore, any unnecessary plies can be eliminated from shipping to the customers, for example, company's inventory tracking and/or invoice and etc, in other words, senders can choose what documents to be included in the package).

Regarding claim 21, Laurush further discloses the process of anyone of claims 1-16, 18-20, 22-23, 25-26, 28, wherein the printing is facilitated by a TCP/IP communication (col. 2, lines 1-3) and wherein the packing list is printed comprising a type of flower (computer-driven printer such as laser printer, col. 5, lines 48-67 is inherently can be used to print any type of flowers, text, graphics, and etc).

Regarding claim 22, Laurush further discloses a process comprising:

- forming a singular sheet (multiple parts on a single sheet, fig. 1) component means for carrying out a shipment, the components comprising at least two of a waybill component (multiple parts, fig. 1), a packing list component (packing list, fig. 1), and a customizable (middle panel, fig. 1, wherein text and/or graphic are not fixed ,therefore, are customizable), wherein

Art Unit: 2625

- if one of the at least two components includes the waybill component, printing a means for communicating waybill information on the waybill component,
- if one of the at least two components includes the packing list component, printing (computer-driven printer such as laser printer, col. 5, lines 48-67) a means for communicating packing list information on the packing list component, and
- if one of the at least two components includes the customizable component, printing (computer-driven printer such as laser printer, col. 5, lines 48-67) a means for communicating a user-customized component on the customizable component area (e.g. customer's name and/or logo, fig. 1).

Regarding claim 23, Laurush further discloses the process of claim 22, wherein the at least two components comprise all said components, and further including separating the components prior to shipping a package of goods specified by the packing list information but not shipping the packing list component with package (e.g. warehouse packing is not required in the package to be shipped, col. 4, lines 50-60, note: shipping label is taught by Laurush is implemented via using coated adhesive and separated into multiple plies, therefore, any unnecessary plies can be eliminated from shipping to the customers, for example, company's inventory tracking and/or invoice and etc).

Regarding claim 24, Laurush further discloses a sheet produced by the process of any of claims 18-20, 22-23, and 28 (fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2625

Claims 1-3, 9-17, 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurush et al (US 5413383), and in view of Ramsden et al (US 6917924).

Regarding claim 1, Laurush discloses a process including:

- forming, from a singular sheet (fig. 1), courier waybill area (middle panel, fig. 1) and at least one of a packing list area (upper panel, fig. 1) and a customizable component area, wherein
- if one of the at least one area includes the packing list area, printing a packing list (middle panel, fig. 1) on the packing list area, and
- if one of the at least one area includes the customizable component area (customizable information can be either text or graphic including company Logo, fig. 1), printing a customizable component on the customizable component area, the customizable component comprising a personalized message from a user of a consumer ordering system to a recipient of a shipment using the waybill, and
- printing (sample of printed shipping label, fig. 1) on the waybill area, a courier waybill and both a ship date (ship date, fig. 1).

However, Laurush does not teach and/or suggest printing a delivery date on a shipping label as shown in fig. 1.

Ramsden, in the same field of endeavor for printing a shipping label, teaches a well-known example of printing a delivery date on a shipping label (fig. 18a & 22b, col. 2, lines 39-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify shipping label of Laurush to include delivery date as taught by Ramsden so it allows the carriers and customers to easily identify the date of delivery to ensure the product (e.g. package/mail) is arrived on time.

Therefore, it would have been obvious to combine Laurush with Ramsden to obtain the invention as specified in claim 1.

Regarding claim 2, Laurush further teaches the method of claim 1, wherein the forming includes printing all of the areas (all three areas, figs. 2-9, col. 4, lines 49-58).

Art Unit: 2625

Regarding claim 3, Laurush further teaches the process of claim 1, wherein the sheet includes the customizable component area (middle panel, fig. 1).

Regarding claim 9, Laurush also teaches the process of claim 1, further including printing an ornamental design on the waybill area, the ornamental design specified at the consumer ordering system (computer-driven printer such as laser printer as taught by Laurush is well known to print customized component on a preexisting art work including ornamental designs, col. 5, lines 29-45).

Regarding claim 10, Laurush further teaches the process of claim 1, wherein the sheet includes the customizable component area and further including: separating (demarking, fig. 1) the printed areas into respective pieces prior to locating both the customizable component piece and the goods within a package; and shipping (col. 3, lines 58-60) the package, with the customizable component within the package, in accordance with waybill; shipping (col. 3, lines 58-60) the package, with the customizable component within the package, in accordance with the waybill.

Regarding claim 11, Laurush further teaches the process of claim 2, further including: separating (perforating, fig. 1, col. 2, lines 10-11) the areas into respective pieces prior to shipping a package and the waybill piece, but not all of the pieces, on an exterior area of the packages.

Regarding claims 12-14, Laurush further teaches the process, wherein the shipping the package does not include shipping the packing list with the package (a method for shipping a package is entirely depends upon one of ordinary skill in the art, for example, one can choose not to include packing list in the package, and which is well known and widely used in the shipping industry, for example, FedEx, USPS, UPS, and/or home service business).

Art Unit: 2625

Regarding claims 15-17, Laurush further teaches the process, wherein wherein the sheet includes the customizable component and the customizable component comprises an ornamental graphic specified by the user and the customizable component is printed on preexisting art work (computer-driven printer such as laser printer as taught by Laurush is well known to print customized component on a preexisting art work, col. 5, lines 29-45).

Regarding claim 25 recites limitations that are similar and in the same scope of invention as to those in claim 1 above; therefore, claim 1 is rejected for the same rejection rationale/basis as described in claim 1.

Regarding claims 26-27, Laurush further discloses the process of claim 25, wherein the at least two portions includes the shipping sheet portion (fig. 1) and the customizable component portion, and the shipping includes shipping the customizable component within a box and the shipping sheet outside the box (shipping label is taught by Laurush is implemented via using coated adhesive and separated into multiple plies, therefore, any unnecessary plies can be eliminated from shipping to the customers, for example, company's inventory tracking and/or invoice and etc, and in addition, a method for shipping a package is entirely depends upon one of ordinary skill in the art, for example, one can choose not to include packing list in the package, and which is well known and widely used in the shipping industry, for example, FedEx, USPS, UPS, home service business, and/or personal use).

Regarding claim 28, Laurush further teaches the process of claim 22, further including: wherein the sheet comprises the customizable component and the waybill component, and further including printing an ornamental design on the waybill component (computer-driven printer such as laser printer as taught by Laurush is well known to print customized component on a preexisting art work including ornamental designs, col. 5, lines 29-45).

Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurush and Ramsden as described in claim 1 above, and in view of Bezos (US 5727163).

Art Unit: 2625

Regarding claim 4, Laurush teaches a system for transmitting customized digital message data from a host computer to a printer (col. 2, lines 1-4), but fails to teach and/or suggest a customized digital message is transmitted from a consumer ordering system to a distribution center.

Bezos, in the same field of endeavor, teaches a well-known example of an Internet communication network that allows users/consumers to transmit customized digital message from a consumer ordering system to a merchant processing system (fig. 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify network system of Laurush to include an Internet communication protocol that allows users/consumers to transmit digital message from consumer ordering system (e.g. customer's PC) to merchant processing system (e.g. supplier's PC) as taught by Bezos. Doing so, it improves purchase transaction more efficiently, for example, customer can instruct the merchant/supplier for special delivery instructions which can be printed on a shipping label (as taught by Laurush).

Therefore, it would have been obvious to combine Laurush and Ramsden with Bezos to obtain the invention as specified in claim 4.

Regarding claims 5-8, Bezos further teaches the process of claim 1, wherein the printing the waybill is facilitated by receiving, at an ordering center system, shipping signals from a courier shipping computer system, and further including electronically communicating the shipping information signals from the ordering center system to a distribution center that facilitates a shipment by using the waybill (it is well known in the art that Internet communication network as shown in fig. 1 can be used to communicate digital message to any recipients worldwide including merchants, banks, hotels, package handler, shipper such as UPS, Fedex, USPS, and etc).

Art Unit: 2625

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection via newly found prior art reference due to newly added features/limitations as cited in claim 1.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

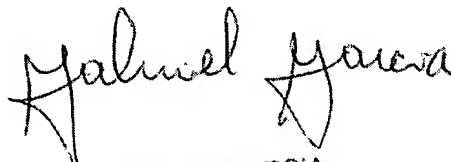
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham



GABRIEL GARCIA
PRIMARY EXAMINER